

Magistrate Judge Brian A. Tsuchida

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WESTERN DISTRICT OF WASHINGTON  
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09-MJ-00206-CMP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW STEVEN GRAY,  
a/k/a Stryder D. Austin,

Defendant.

CASE NO.

AMENDED COMPLAINT for  
VIOLATIONS  
18 U.S.C. §§ 2, 922(g)(1), 922(o)(1),  
and 924(a)(2), 21 U.S.C. §§ 841(a)(1)  
and (b)(1)(B), and 26 U.S.C. §§  
5841, 5845, 5861(d), and 5871

BEFORE Brian A. Tsuchida, United States Magistrate Judge, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT 1**  
**(Felon in Possession of a Firearm)**

On an exact date unknown, but in 2008, in Monroe, within the Western District of Washington, and elsewhere, ANDREW STEVEN GRAY, having previously been convicted in the State of Washington of a crime punishable by imprisonment for a term exceeding one year, to wit, Violation of the Controlled Substances Act, in the Superior Court of Washington for King County, cause number 99-1-02263-3 SEA, on or about April 23, 2009, did knowingly possess, in and affecting interstate commerce, a Ruger .22 caliber semi-automatic pistol, that had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT 2**  
**(Possession of a Machinegun)**

On or about May 4, 2009, in Monroe, within the Western District of Washington, and elsewhere, ANDREW STEVEN GRAY did knowingly possess, and did aid and abet the possession of, a machinegun, to wit, a Bushmaster XM-15-E2S .223 caliber fully-automatic machinegun, serial number L039664.

All in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2), and Title 18, United States Code, Section 2.

**COUNT 3**  
**(Possession of an Unregistered Silencer)**

On or about May 4, 2009, in Monroe, within the Western District of Washington, and elsewhere, ANDREW STEVE GRAY knowingly possessed a firearm silencer not registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5841, 5845, 5861(d), and 5871.

**COUNT 4**  
**(Possession of Marijuana with Intent to Distribute)**

On or about May 4, 2009, in Snohomis, within the Western District of Washington, and elsewhere, ANDREW STEVEN GRAY knowingly and intentionally possessed, and aided and abetted the possession of, with intent to distribute, marijuana, a controlled substance.

It is further alleged that the offense involved one hundred (100) or more marijuana plants.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

1 The undersigned complainant, Special Agent Gregory M. Kraus, being duly sworn,  
2 states:

3 **Affiant's Background**

4 1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI")  
5 and have been so since February 2008. Prior to the FBI, I worked in various capacities  
6 ranging from a Navy SEAL Officer to a Department of State protective security  
7 specialist. I graduated from the United States Air Force Academy in 1997, after which I  
8 received my commission as a Naval Officer. I served in the United States Navy for six  
9 years as a SEAL Platoon Commander and Assistant Platoon Commander. Later, I  
10 worked for the United States Department of State, Bureau of Diplomatic Security, as a  
11 member of the United States Diplomatic Protection Detail in Baghdad, Iraq. I was  
12 subsequently employed by the United States Secret Service and attended the Criminal  
13 Investigator Training Program at the Federal Law Enforcement Training Center. Since  
14 entering on duty with the Federal Bureau of Investigation, I have been assigned to the  
15 Joint Terrorism Task Force ("JTTF"), where I am responsible for investigating violations  
16 of federal criminal laws. My primary focus is on investigating potential domestic  
17 terrorism, including right-wing extremists and anti-government groups.

18 2. This Complaint is based upon the following information gathered by me  
19 and other law enforcement officers. For purposes of conducting this investigation and  
20 drafting this affidavit, I have spoken to other agents, law enforcement officers, and other  
21 interested individuals about this investigation, and have read reports concerning the  
22 progress of the investigation. The statements contained in this affidavit are based on my  
23 personal knowledge or on information that has been provided to me directly or indirectly  
24 by other investigating agents/officers, and on my experience and training. The  
25 information contained herein is intended to establish probable cause and does not contain  
26 every fact known to me and other officers regarding this investigation.  
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### **The "Sovereign Citizen" Movement**

3. The "Sovereign Citizen" movement is a loosely organized group of people adhering to the belief that the government fundamentally has no authority over them. The belief system has many forms and offshoots, ranging from purely legal arguments to purely religious arguments and often including a mix of the two. In general, sovereign citizen adherents believe that the federal courts have no jurisdiction beyond federal property. Additionally, they often believe that, because the names of parties are written in capital letters on court pleadings ("JOE SMITH"), the paperwork is referring to a mythical "straw man" entity and not the real person. Sovereign citizen adherents also believe that submitting to any process, usually by way of their signature, in any way involved with the federal government (social security, driver licensing, car registrations, marriage licenses, hunting and fishing licenses, etc.) constitutes an admission that they are not in fact sovereign. Many adherents will write statements such as "Under Duress," "No Liability Accepted," or "Without Prejudice UCC 1-308" on documents such as drivers' licenses which they must sign in order to conduct their day-to-day lives. Regardless of the label applied or the specific form their ideology takes, their ideology fundamentally rests on the belief that the federal courts, federal law, and ultimately the federal government and all of its agencies have no legal authority to impose their will upon a "sovereign citizen."

4. Individuals involved in the "Patriot Movement," also referred to as "constitutionalists," often hold belief systems very similar to those in the Sovereign Citizen movement. In fact, it is very common for individuals to adhere to both ideologies. Members of the Patriot Movement are more often marked by the view that the federal government in its current form is irreparably corrupt and has drifted too far away from a strict interpretation of the Constitution. These individuals often store quantities of firearms, ammunition, food, water, and other supplies in anticipation of the breakdown of society and a time when they will have to be self sufficient. These individuals also believe that they are routinely monitored by the federal government, in

1 violation of their Constitutional rights, and as such, they tend to be very security  
2 conscious, employing security cameras, motion sensors and other measures on their  
3 property. Groups of like-minded individuals often form "Militia" groups, envisioning the  
4 day when the country will call them to action. Again, these individuals feel that the  
5 federal government no longer has any authority over them, and thus the federal criminal  
6 laws – including the firearms laws – do not apply to them.

7 **The Investigation Of ANDREW STEVEN GRAY**

8 5. I have seen court documents showing that, on April 23, 2009, ANDREW  
9 STEVEN GRAY, a/k/a Stryder D. Austin, was convicted in the Superior Court of  
10 Washington for King County, in cause number 99-1-02263-3 SEA of an offense  
11 punishable by imprisonment for a term exceeding one year, namely a violation of the  
12 Uniform Controlled Substances Act, RCW 69.50.401(d). GRAY appealed his conviction,  
13 and on November 19, 2007, the Court of Appeals of the State of Washington, Division  
14 One, upheld the conviction. I have also seen court documents that show that GRAY was  
15 also served with a Notification of Ineligibility to Possess Firearm, which he refused to  
16 sign.

17 6. I have seen court documents that show that, during his King County case,  
18 GRAY filed *pro se* arguments challenging the court's jurisdiction. GRAY argued that,  
19 due to problems with the constitutional convention of 1889, the State of Washington was  
20 acting as a corporation, not a government, and had no authority over him. Based on my  
21 training and experience, I know that arguments such as those outlined above are common  
22 indicators that an individual is an adherent to "constitutionalist" or "sovereign citizen"  
23 ideology. Additionally, in a photograph obtained by me from the Washington State  
24 Department of Licensing, GRAY wrote "no liability accepted" above his signature.  
25 Based on my training and experience I know that this is also an indicator of "sovereign  
26 citizen" ideology.

27 7. This investigation involves a Confidential Informant ("CI"). Per standard  
28 policy, I will refer to the CI as if he were a man, regardless of the CI's true gender. The

1 FBI has been paying the CI for information in this investigation. As far as I know, the CI  
2 has given us accurate information during the investigation and has not been dishonest or  
3 misled us in any way.

4 8. The CI told us that, on a date in 2008, he saw ANDREW STEVEN GRAY  
5 firing an AR-15 style rifle and a Ruger .22 caliber pistol at 21007 Ben Howard Road,  
6 Monroe, Washington. The residence is owned by "J.F." and is known as the Militia  
7 Training Center ("MTC"). J.F. built a small shooting range on the property and routinely  
8 holds training for individuals involved in the militia movement. According to the CI,  
9 GRAY'S rifle was equipped with an Aimpoint red dot sight. The CI reported that GRAY  
10 has told the CI that he keeps a pistol in his vehicle at all times, and that he keeps a .45  
11 caliber Kimber pistol on his person at all times while at home.

12 9. The CI told us that, on a later occasion, he again saw GRAY firing guns,  
13 including a Ruger pistol. On this second occasion, agents conducted a surveillance of  
14 GRAY and saw GRAY meet with the CI and travel to the MTC. While GRAY and the  
15 CI were at the MTC, agents heard the sound of gunfire coming from the compound. The  
16 CI was equipped with a recording device when he met with GRAY that day. I have  
17 listened to those recordings and have heard the CI talking to a man he calls "Drew."  
18 "Drew" talks about possessing firearms.

19 10. I contacted the Product Service Department of Sturm, Ruger, and Company,  
20 Incorporated, in Prescott, Arizona, the manufacturers of Ruger pistols. The company  
21 confirmed that Ruger does not have any manufacturing plants in the State of Washington,  
22 and also confirmed that no Ruger pistols have ever been made in Washington. Therefore,  
23 the pistol that was in GRAY'S possession must have traveled in interstate commerce.

24 11. From my background in the military and law enforcement, I have extensive  
25 training and experience with firearms. Based on what I know about Ruger pistols, and  
26 the CI's report of GRAY firing the .22 caliber Ruger, I can confirm that the weapon  
27 meets the definition of a firearm under federal law, as it is a weapon designed to expel a  
28 projectile by means of an explosive.

12. My investigation -- including surveillance of GRAY's movements -- led me to believe that GRAY was storing firearms at Chain Lake Self Storage, located at 14911 Chain Lake Road in Monroe. To confirm this, FBI SA K. Erika Jensen and I interviewed the manager of Chain Lake Self Storage and reviewed video footage from the company's surveillance cameras. The video showed GRAY parking his vehicle near the center of the easternmost building and entering the building through a door. The manager showed us the paperwork that GRAY completed when he initially rented the storage unit. GRAY gave the storage facility a photographic identification from the "Kingdom of Heaven" in GRAY's name and with GRAY's picture on it (I recognized GRAY from his Washington driver's license photo). The storage unit, number B186, was listed under the company name "1st International Marketing."

13. Records provided by Verizon Wireless in response to a subpoena show that the phone number (206) 714-5810 is registered to "1st International Marketing Incorporated, Suite 130, 19916 Old Owen Road, Monroe, Washington." Based on reports obtained from both Choicepoint and Lexis/ Nexis public databases, that address belongs to GRAY. Records provided by First Premier Bankcard in response to a subpoena show that GRAY maintains a credit card and that the listed address is 19916 Old Owen Road #130, Monroe, Washington. A search of the Washington Secretary of State's web site showed that the registered agent of 1st International Marketing is STEVE GRAY with an address of 1250 North Wenatchee Way #276, Wenatchee, Washington. A search of Lexis/Nexis indicated that this address is associated with GRAY.

14. On May 4, 2009, FBI agents executed a search warrant on storage unit B186 located at Chain Lake Self Storage. A total of twenty one firearms, including one machine gun, were seized from the storage unit. Additionally, four silencers, two bulletproof vests, and approximately 9,000 rounds of assorted ammunition were also seized. The seized firearms were as follows (Make, Model, Caliber/Type, Serial Number, and manufacturer's stamp or Bureau of Alcohol, Tobacco, Firearms and Explosives ("BATFE") recorded place of origin):



1 a. Springfield Armory, XD-40, .40 cal Pistol, US 437512, Made in Croatia -  
2 verified through BATFE National Tracing Center;

3 b. DSA, SA-58, .308 cal Rifle, 129695, Lake Barrington, Illinois - verified through  
4 BATFE National Tracing Center;

5 c. Remington, Model 700, .308 cal Rifle, E6601891, Ilion, New York - verified  
6 through visual inspection of stamp on weapon;

7 d. Savage, Model 10, .308 cal Rifle, G354270, Westfield, Massachusetts - verified  
8 through visual inspection of stamp on weapon;

9 e. Walther, P22, .22 cal Pistol, L111734, Made in Germany - verified through  
10 BATFE National Tracing Center;

11 f. Kimber, Custom TLE/RLII, .45 cal Pistol, K161853, Yonkers, New York -  
12 verified through internet research;

13 g. Bushmaster, XM-15-E2S, .223 cal Machine Gun, L039664, Windham, Maine -  
14 originally sold in Bucyrus, Ohio - verified through BATFE National Tracing Center;

15 h. CZ, 75B, 9mm Pistol, 5057L, Made in Czech Republic, imported in Kansas  
16 City, Kansas - verified through BATFE National Tracing Center;

17 i. Glock, Model 19, 9mm Pistol, GXN531, Made in Austria, imported in Smyrna,  
18 Georgia - verified through BATFE National Tracing Center;

19 j. EAA, Witness, .45 cal Pistol, EA23850, Made in Italy - verified through visual  
20 inspection of stamp on weapon;

21 k. High Standard, M-101, .22 cal Pistol, 2114930, with threaded barrel, Hamden,  
22 Connecticut - verified through visual inspection of stamp on weapon;

23 l. Dan Wesson Arms, Model 15, .357 cal Pistol, 19222;

24 m. High Standard, M-101, .22 cal Pistol, 2114930, with threaded barrel, Hamden,  
25 Connecticut - verified through visual inspection of stamp on weapon;

26 n. Baikal, IJ90, 9mm Makarov Pistol, PC5446, Imported in Harrisburg,  
27 Pennsylvania - verified through BATFE National Tracing Center;

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1 o. Taurus, .357 Revolver, .357 cal Pistol, KJ514228, Made in Brasil - verified  
2 through visual inspection of stamp on weapon;

3 p. Ruger, Mark 3 Target, .22 cal Pistol, 22716978, with threaded barrel - verified  
4 through Sturm Ruger Incorporated;

5 q. Bushmaster, Max 15, .223 Rifle, L288774, , Windham, Maine - verified through  
6 visual inspection of stamp on weapon;

7 r. SNS Industries, Max 15, .223 Rifle, SNS0932, Snohomish, Washington; and

8 s. SNS Industries, MiltiMod, 9mm Pistol, SNS0633, with buttstock, Snohomish,  
9 Washington.

10 15. As noted in the list above, with the exception of items (l), (r), and (s), I have  
11 personally verified that there is probable cause to believe that each weapon traveled in  
12 interstate commerce or foreign commerce.

13 16. I have spoken with FBI SA James Elliot, a certified FBI Firearms  
14 Instructor, who personally inspected each of the above weapons (items (a) through (s))  
15 and confirmed that the weapons meet the definition of a firearm under federal law, as  
16 each is a weapon designed to expel a projectile by means of an explosive.

17 17. SA Elliot also confirmed that item (g), the Bushmaster, XM-15-E2S, .223  
18 cal Machine Gun, L039664), meets the definition of a machine gun as defined under  
19 federal law because it automatically shoots more than one shot, without manual reloading,  
20 by a single function of the trigger.

21 18. Also seized from the storage unit were four silencers. Based on my  
22 experience in the military and law enforcement, I have extensive experience with  
23 firearms, including silencers. Based on what I know about silencers, the four items I  
24 viewed are silencers as defined under federal law because they are devices for silencing,  
25 muffling, or diminishing the report of a portable firearm. None of the four silencers had  
26 serial numbers on them. I spoke with BATFE SA Julianne Marshal who stated that the  
27 lack of serial numbers on the silencers shows that they have not been registered in the  
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1 National Firearms Registration and Transfer Record under the provisions of the National  
2 Firearms Act.

3 19. On May 4, 2009, FBI agents executed a search warrant at GRAY's house,  
4 located at 18715 126th Street Southeast, in Snohomish, Washington. In the home, agents  
5 seized a handwritten document listing a total of twenty three firearms. Of those twenty  
6 three items listed, twelve matched items seized from the storage unit (items b, d, f, h, i, j,  
7 k, l, m, o, q, and s).

8 20. Agents also discovered a marijuana grow operation located in the detached  
9 garage at the GRAY'S house. I have spoken with SA Elliott, who has extensive  
10 experience in conducting drug investigations, including marijuana grow operations. SA  
11 Elliott informed me that the plants located in the detached garage were marijuana plants.  
12 The main room of the garage contained between 300-400 adult plants. A side room  
13 contained approximately 100 smaller plants. The room was well ventilated, with foam  
14 filters placed over the air intakes to mask the smell of the grow from outside of the  
15 garage. Documents showing grow cycles, fertilization procedures, and pay-owe sheets  
16 (ledgers of drug dealing) were also recovered from the residence.

17 21. GRAY was arrested on May 4, 2009. After GRAY's arrest, I read him his  
18 *Miranda* rights. GRAY said that he understood his rights and agreed to answer questions.  
19 GRAY eventually admitted that he knowingly possessed the firearms and silencers found  
20 in his storage unit. GRAY also admitted that he had been growing marijuana at his house  
21 and selling it. GRAY said that he kept his guns separate from his marijuana because he  
22 was trying to avoid enhanced criminal penalties from having guns and drugs in the same  
23 place.

24 22. I respectfully submit that there is probable cause to believe that ANDREW  
25 STEVEN GRAY committed the crimes identified in Counts 1 through 4 of this Amended

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1 Complaint, as set forth above and incorporated in the body of this Affidavit by reference.  
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5 Gregory Kraus, Complainant  
6 Special Agent, Federal Bureau of Investigation  
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8 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
9 presence, the Court hereby finds that there is probable cause to believe the defendant  
10 committed the offense set forth in the Complaint.

11 Sworn to before me and subscribed in my presence, this 20 day of May, 2009.  
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15 BRIAN A. TSUCHIDA  
16 UNITED STATES MAGISTRATE JUDGE  
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